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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION

JIM IRVIN

Commissioner-Chairman, Arizona Corporation Commission

RENZ D. JENNINGS

Commissioner

CARL J. KUNASEK

Commissioner

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IN THE MATTER OF THE APPLICATION  
OF ARIZONA PUBLIC SERVICE  
COMPANY FOR APPROVAL OF ITS  
PLAN FOR STRANDED COST  
RECOVERY

DOCKET NO. E-01345A-98-0473

IN THE MATTER OF THE FILING OF  
ARIZONA PUBLIC SERVICE COMPANY  
OF UNBUNDLED TARIFFS  
PURSUANT TO A.A.C. R14-2-1601 et seq.

DOCKET NO. E-01345A-97-0773

IN THE MATTER OF THE APPLICATION  
OF TUCSON ELECTRIC POWER  
COMPANY FOR APPROVAL OF ITS  
PLAN FOR STRANDED COST  
RECOVERY

DOCKET NO. E-01933A-98-0471

IN THE MATTER OF THE FILING OF  
TUCSON ELECTRIC POWER COMPANY  
OF UNBUNDLED TARIFFS PURSUANT  
TO A.A.C. R14-2-1601 et seq.

DOCKET NO. E-01933A-97-0772

IN THE MATTER OF COMPETITION IN  
THE PROVISION OF ELECTRIC  
SERVICES THROUGHOUT THE STATE  
OF ARIZONA.

DOCKET NO. RE-00000C-94-165

**NOTICE OF WITHDRAWAL  
OF SETTLEMENTS**

Staff of the Arizona Corporation Commission ("Staff") hereby provides notice that the November 4, 1998 Settlement Agreements between Staff and Arizona Public Service Company ("APS"), and Staff and Tucson Electric Power Company ("TEP") (collectively referred to as the "Agreements"), have by their terms expired and are deemed withdrawn from consideration by the Commission.

Each of the two Agreements contains an identical provision addressing Commission action:

1 Each provision of this Agreement is in consideration and  
2 support of all the other provisions, and expressly conditioned  
3 upon acceptance by the Commission without change. In the  
4 event that the Commission fails to adopt this Agreement  
5 according to its terms by November 25, 1998, *this Agreement*  
6 *shall be deemed withdrawn* and the parties shall be free to  
7 pursue their respective positions in these proceedings without  
8 prejudice.

9 APS Agreement at p. 11, para. 2; TEP Agreement at pp. 12-13, para. 2 (emphasis added).

10 The Agreements have not been adopted by the Commission, and no amendments  
11 have been executed extending the November 25, 1998, date for Commission action. Consequently,  
12 the Agreements are deemed withdrawn, and are no longer in effect. Likewise, the procedural orders  
13 for Commission consideration of the Agreements are no longer in effect, having been rendered moot  
14 by the withdrawal of the Agreements from Commission consideration. Thus, the parties are free to  
15 pursue their respective positions, not bound by the matters agreed to in the Agreements. The  
16 withdrawal of the Agreements does not preclude Staff, APS, TEP and/or any other interested party  
17 from continuing attempts to resolve issues addressed by the Agreements, and presenting any  
18 subsequent settlement to the Commission. However, in the event that any such settlements are  
19 reached, they will necessarily be new agreements and in the event they are filed with the  
20 Commission, a new procedural schedule will be set for Commission consideration of these matters.

21 RESPECTFULLY SUBMITTED this 9th day of December, 1998.

22 By: Paul A. Bullis  
23 Paul A. Bullis  
24 Christopher C. Kempley  
25 Janice M. Alward  
26 Janet Wagner  
27  
28

1 Original and ten copies of the  
2 foregoing filed this 9<sup>th</sup> day  
of December, 1998 with:

3 Docket Control  
4 Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

5 A copy of the foregoing was  
6 mailed this 9<sup>th</sup> day  
of December, 1998 to:

7 All parties on the service list for  
8 for the above-mentioned Dockets

9  
10 By Mary Ippolito